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**REQUEST**

**FOR**

**CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995

|                        |                            |
|------------------------|----------------------------|
| Application Number     | 09/405,499                 |
| Filing Date            | September 23, 1999         |
| First Named Inventor   | Michael S. O'Reilly et al. |
| Group Art Unit         | 1642                       |
| Examiner Name          | Huff, Sheela Jitendra      |
| Attorney Docket Number | 05213-0640 (43170-219680)  |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may file a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

**1. Submission required under 37 C.F.R. § 1.114**

- a.  Previously submitted
  - i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered)
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on
  - iii.  Other
- b.  Enclosed
  - i.  Response to Office Action
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Other Two Month Extension of Time

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**2. Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a.  Check in the amount of \$570.00 is enclosed for the following fees:
  - i.  \$370.00 - RCE fee under 37 C.F.R. § 1.17(e), REQUIRED when filing the RCE.
  - ii.  \$200.00 - Extension of time fee under 37 C.F.R. 1.136 and 1.17.
- b.  The Director is hereby authorized to charge any additional fees, or credit any overpayments, to Deposit Account No. 11-0855

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

|           |                 |                   |
|-----------|-----------------|-------------------|
| Type Name | Jamie L. Greene | Reg. No. 32,467   |
| Signature |                 | Date July 1, 2002 |

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

|           |                                  |
|-----------|----------------------------------|
| Type Name | Jamie L. Greene, Reg. No. 32,467 |
| Signature |                                  |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Michael S. O'Reilly et al. )  
Serial No.: 09/405,499 ) Art Unit: 1642  
Filed: September 23, 1999 ) Examiner: Huff, Sheela Jitendra  
For: ENDOSTATIN PROTEIN )  
AND FRAGMENTS THEREOF )

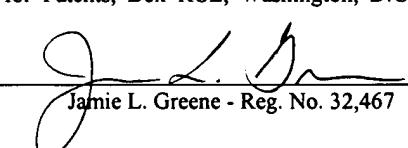
**RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
Box RCE  
Washington, D. C. 20231

Sir:

Applicants respectfully file this Request for Continued Examination pursuant to 37 C.F.R. § 1.114. Enclosed is a Petition for Extension of Time under 37 C.F.R. § 1.136 for a two-month extension of time to file the response to the Final Office Action mailed February 1, 2002, a five-month anniversary of which is July 1, 2002. A check in the amount of \$570.00, to cover the payment of fees pursuant to 37 C.F.R. § 1.17(e) and the fee for the two-month extension of time to expire on July 1, 2002 is enclosed. In response to the Final Office Action mailed February 1, 2002, applicants respectfully request reconsideration of the rejected claims based upon the following remarks.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box RCE, Washington, D.C. 20231, on July 1, 2002.

  
Jamie L. Greene - Reg. No. 32,467

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